

AMENDED IN SENATE APRIL 13, 2009

**SENATE BILL**

**No. 614**

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**Introduced by Senator Simitian**

February 27, 2009

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An act to amend ~~Section~~ *Sections 72410 and 72441* of the Public Resources Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

SB 614, as amended, Simitian. Vessels.

Existing law prohibits an owner or operator of a large passenger vessel or oceangoing ship from releasing or permitting anyone to release specified substances from the vessel or ship into the marine waters of the state or a marine sanctuary. Existing law excludes from those requirements a large passenger vessel or oceangoing ship that operates in the marine waters of the state, as that term is defined, solely in innocent passage, and discharges made for the purpose of securing the safety of the vessel or ship or saving life at sea if specified precautions are taken. The act provides that for purposes of that exclusion, a vessel is engaged in innocent passage if its operation in state waters would constitute innocent passage under specified conventions.

This bill instead would provide that for purposes of that exclusion, a vessel is engaged in innocent passage if its operation in the marine waters of the state would constitute innocent passage under those specified conventions. *The bill would make a technical, nonsubstantive change to the definition of "marine waters of the state" by correcting an obsolete cross-reference.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 72410 of the Public Resources Code is  
2     amended to read:

3     72410. (a) Unless the context otherwise requires, the  
4     definitions set forth in this section govern this division.

5     (b) “Board” means the State Water Resources Control Board.

6     (c) “Commission” means the State Lands Commission.

7     (d) “Graywater” means drainage from dishwasher, shower,  
8     laundry, bath, and washbasin drains, but does not include drainage  
9     from toilets, urinals, hospitals, or cargo spaces.

10    (e) “Hazardous waste” has the meaning set forth in Section  
11    25117 of the Health and Safety Code, but does not include sewage.

12    (f) “Large passenger vessel” or “vessel” means a vessel of 300  
13    gross registered tons or greater that is engaged in the carrying of  
14    passengers for hire, excluding all of the following vessels:

15    (1) Vessels without berths or overnight accommodations for  
16    passengers.

17    (2) Noncommercial vessels, warships, vessels operated by  
18    nonprofit entities as determined by the Internal Revenue Service,  
19    and vessels operated by the state, the United States, or a foreign  
20    government.

21    (3) Oceangoing ships, as defined in subdivision (j).

22    ~~(g) “Marine waters of the state” means “coastal waters” as~~  
23    ~~defined in Section 13181 of the Water Code.~~

24    ~~(h)~~

25    (g) “Marine sanctuary” means marine waters of the state in the  
26    Channel Islands National Marine Sanctuary, Cordell Bank National  
27    Marine Sanctuary, Gulf of the Farallones National Marine  
28    Sanctuary, or Monterey Bay National Marine Sanctuary.

29    (h) “Marine waters of the state” means waters within the area  
30    bounded by the mean high tide line to the three-mile state waters  
31    limit, from the Oregon border to the Mexican border.

32    (i) “Medical waste” means medical waste subject to regulation  
33    pursuant to Part 14 (commencing with Section 117600) of Division  
34    104 of the Health and Safety Code.

35    (j) “Oceangoing ship” means a private, commercial, government,  
36    or military vessel of 300 gross registered tons or more calling on  
37    California ports or places.

38    (k) “Oil” has the meaning set forth in Section 8750.

1 (l) “Oily bilgewater” includes bilgewater that contains used  
2 lubrication oils, oil sludge and slops, fuel and oil sludge, used oil,  
3 used fuel and fuel filters, and oily waste.

4 (m) “Operator” has the meaning set forth in Section 651 of the  
5 Harbors and Navigation Code.

6 (n) “Other waste” means photography laboratory chemicals,  
7 dry cleaning chemicals, or medical waste.

8 (o) “Owner” has the meaning set forth in Section 651 of the  
9 Harbors and Navigation Code.

10 (p) “Release” means discharging or disposing of wastes into  
11 the environment.

12 (q) “Sewage” has the meaning set forth in Section 775.5 of the  
13 Harbors and Navigation Code, including material that has been  
14 collected or treated through a marine sanitation device as that term  
15 is used in Section 312 of the Clean Water Act (33 U.S.C. Sec.  
16 1322) or material that is a byproduct of sewage treatment.

17 (r) “Sewage sludge” has the meaning set forth in Section 122.2  
18 of Title 40 of the Code of Federal Regulations.

19 (s) “Sufficient holding tank capacity” means a holding tank of  
20 sufficient capacity to contain sewage and graywater while the  
21 oceangoing ship is within the marine waters of the state.

22 (t) “Waste” means hazardous waste and other waste.

23 ~~SECTION 1.~~

24 *SEC. 2.* Section 72441 of the Public Resources Code is  
25 amended to read:

26 72441. (a) This division does not apply to either of the  
27 following:

28 (1) A large passenger vessel or oceangoing ship that operates  
29 in the marine waters of the state solely in innocent passage.

30 (2) Discharges made for the purpose of securing the safety of  
31 the large passenger vessel or oceangoing ship or saving life at sea,  
32 if reasonable precautions are taken for the purpose of preventing  
33 or minimizing the discharge.

34 (b) For the purposes of this section, a vessel is engaged in  
35 innocent passage if its operation in the marine waters of the state  
36 would constitute innocent passage under either the Convention on  
37 the Territorial Sea and Contiguous Zone, dated April 29, 1958, or

- 1 the United Nations Convention on the Law of the Sea, dated
- 2 December 10, 1982.

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